IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 20015 of 2007(G)

PETITIONERS:

----

1. K.A.ALI, AGAED ABOUT 53 YEARS,
S/O.E.K.ABDUL RAHAMAN, 330C, VAISHAKAM,
Y.M.J.ROAD, MAMANGALAM, NOW RESIDING AT
PALACKAL HOUSE, CHALIKKAVATTOM,
VENNALA P.O., KOCHI – 28.

2. SMT. RASHEEDA ALI, W/O.K.A.ALI,
AGED 45 YEARS, VAISHAKAM,
Y.M.J.ROAD, MAMANGALAM,
NOW RESIDING AT PALACKAL HOUSE, CHALIKKAVATTOM,
VENNALA P.O., KOCHI – 28.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMAR
SRI.GEORGE MATHEW
SRI.A.V.TELLES

RESPONDENT:

THE FEDERAL BANK LTD.,
BROADWAY BRANCH,
ERNAKULAM, REP.BY ITS
CHIEF MANAGER.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

W.P.C. NO. 20015 OF 2007

= = = = = = = = = = = = = = =

Dated this the 29th day of June, 2007.

J U D G M E N T

This writ petition is filed to quash Ext.P2 sale proclamation. The decree holder, Bank has obtained a decree for realisation of the amount by sale of the mortgage property. It is that mortgage property that is put into sale for which Ext.P2 proclamation is issued. Now, the learned counsel for the writ petitioner submits that the property is very valuable and he is prepared to pay the amount provided some breathing time is given and also requests for some concession from the Bank authorities. Since the party is prepared to settle the case by paying the amount I feel an opportunity has to be given to him. Therefore, the writ petition is disposed of as follows.

(1) The sale posted for 4/7/07 will stand adjourned for a period of six weeks from 4/7/07.

(2) Meanwhile, the writ petitioner is at liberty to settle the matter with the Bank and if it is permissible the Bank can show leniency at least towards interest.

(3) If the matter is not settled within a period of six weeks from 4/7/07, the sale can be proceeded on the very same proclamation and the right to insist for a fresh proclamation shall stand waived.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-